

The tragic experience of a prisoner of peace

The Ordeal of Rudolf Hess

BY KENNETH JOHNS

ONE OF THE MOST interesting articles ever printed by THE AMERICAN MERCURY during its 50 years is "The Inside Story of the Hess Flight." It was published in the May 1943 issue and is reprinted in this issue beginning on page 18.

The article describes with extreme accuracy the Hess peace mission and its unfortunate aftermath. The anonymous author, still unknown to this day, apparently had important sources of information that he was able to tap even in the middle of the war.

Some of the facts presented in the article are being denied to this day. Subsequent to the publication of the article, Hess was found guilty by the Nuremberg Tribunal and locked up in the grim Spandau prison in Berlin.

As the 1943 MERCURY article correctly states, Hess came to meet with England's leaders with proposals of peace. But his heroic flight was futile. Peace, as is now well known, was the last thing Winston Churchill wanted. So Hess was seized by the British Government and held incommunicado until the war's end. He was taken as a prisoner of war, in defiance of international custom which grants immunity to truce bearers. At the close of the war Hess was dragged before the Nuremberg Tri-

bunal and charged with war crimes and plotting against peace.

Ex Post Facto Laws

He was acquitted on two of the three counts in his indictment: War Crimes and Crimes Against Humanity. He was found guilty on the third count: Aggressive War.

As Julius Epstein, of the Hoover Institution on War, Revolution and Peace (Stanford University) points out, "Aggressive War" was not a statutory crime before the Nuremberg Trial. An authority on this subject, Epstein calls it a classic example of "ex post facto jurisdiction." Civilized countries condemn



these types of laws. The U.S. Constitution prohibits the creation of such law in Article 1, Section 9.

Since his conviction, Hess has been confined to a tiny, dungeon-like cell in Spandau Fortress. He is cut off from contact with the outside world by military guards from the United States, Great Britain, France and the Soviet Union. This May 10th Hess will have spent his 33rd year behind prison walls. He is the sole German World War II leader still an Allied prisoner.

Only once during these years has his wife been allowed as much as a shake of his hand.

Conspiracy of Silence

It is a sad commentary upon the American "free press" that the information presented in the 1943 MERCURY article has not been publicized in the major newspapers and magazines. There has been not only a "conspiracy of silence" about the MERCURY article, but the American press has continued to publish speculative articles repeating the propaganda first issued by the heavily censored U.S. papers and magazines during the war.

Over and over the American public was fed the lie that Hess "escaped" from Germany in a dramatic attempt to "save the world from Hitler." In all these accounts many facts are conveniently omitted. For example, Hess was *expected*. The British were aware of that, though this information was kept from the American public.

All historians now accept as fact what was revealed in the 1943 MERCURY article—that the peace mission was authorized by Hitler. This fact has been confirmed in several books, including *Hess: The Man and His Mission* by J. Bernard Hutton (The Macmillan Company, N.Y., 1971).

The Lie About Insanity

It is important to know how the major distortion of fact—that Hess was insane—came about. It was a face-

saving lie originated by Hitler. When Hess fell into the hands of the local English police, rather than into the expected welcoming arms of the Duke of Hamilton, there was the usual bureaucratic bumbling. More than 48 hours elapsed before Hess finally got to speak with the duke.

Meanwhile, when Hitler heard nothing from England, he assumed that Hess had failed in his mission. Consequently, on May 12th he issued a communique to the effect that Hess had been forbidden to fly because of mental illness and that it must be assumed either that Hess jumped out of his plane or met with an accident. Hess and Hitler had agreed previously that if the peace mission should come to naught, Hess was to be painted as mentally ill.

Author Hutton, in his book, says that Hitler made a mistake in prematurely issuing his communique. "If Hitler had not been so concerned to prevent a propaganda weapon falling into the hands of the British and had waited another 48 hours before releasing the communique about the Deputy Fuhrer's disappearance and mental illness, Hess' presence in Britain could have remained a closely guarded secret." Hutton thinks that Hess and Churchill would have eventually met and could have come to some agreement on the many points proposed by Hess. This, of course, is conjecture. Churchill liked war and had already made commitments to Stalin. Additionally, there is no doubt he was aware of the double-cross.

Freedom for Hess

Hess is now 79. For the past ten or fifteen years there has been a concerted effort to get justice for this one old man. When it became apparent that the Allied Powers had no intention of releasing him, a number of organizations came into being around the world, aimed at publicizing his continued imprisonment.

Understandably, one of the largest, "Freedom for Rudolf Hess" was

founded in Germany. Similar "freedom" groups exist in other European countries, in several South American countries and in South Africa. One extremely active group is Western Unity Movement, headquartered in Quebec, Canada. It is issuing fact sheets and other printed matter in five languages—English, French, German, Spanish and Italian. One of the most active U.S. groups is the Freedom for Rudolf Hess Association with offices in Rosemont, Illinois.

There is no opposition to Hess' release among the ruling circles of British and French governments. For example, last October, when Hess' son, Wolf-Rudiger, talked with Lord Balniel, minister of state at the British Foreign Office, he was assured that the British Government believed his father should be released. Foreign Secretary Sir Alec Douglas-Home had raised the issue with Soviet Foreign Minister Andrei Gromyko several times.

In the United States, several Congressmen have called for Hess' release and a number of prominent American jurists and lawyers (Melvin Belli, Morgan P. Ames, et al.) have asserted that in Hess' case justice was not served at Nuremberg.

Soviets Refuse Release

The Soviets—who must agree to the release under the Four-Power Agreement, seem to be the only stumbling block, though the United States has done nothing affirmative to effect Hess' release.

In the Winter 1970 issue of *THE AMERICAN MERCURY*, the late Edward L. Delaney calls the imprisonment of Hess a diabolical, disgraceful international scandal. "President Nixon can and should release Hess," he wrote.

To some observers the criminal is not Hess, but the Soviet Union. The bill of particulars is long—Katyn Forest massacre, postwar impressment of Germans into slave labor battalions, the 1956 Hungarian uprising, the 1968

Czechoslovakian invasion, and the continued operation of Siberian prison camps whose unfortunate inmates run into more than a million.

If the United States desired it, Hess could be released tomorrow. Observers have noted that there is nothing to prevent the United States from releasing him during the period when American military men are the jailors. It would be against the Four-Power Agreement, of course, which calls for unanimous agreement on release, but would Soviet Russia go to war over the release of this old man? Hardly.

In analyzing the "reasons" given by opponents to Hess' release, the real reason becomes clear. The fear is that Hess would write about his peace mission, about the assurances given him by the British Secret Service that he would be allowed to return to Germany, his treatment in British custody, and his treatment at Spandau. His revelations would be most damaging to the Soviet Union and the United States.

What about the man himself? Has he changed his opinion about his actions? Not at all. He has no regrets. In the mid-1950's he wrote a letter to his son, then reaching maturity, in which he revealed his philosophy. He advised his son to grow up a gentleman and to take injustice silently. Then he wrote: "I do not defend myself before prosecutors to whom I deny the right to make accusations against me and my fellow-countrymen. I do not propose to argue about charges that are concerned with the internal affairs of Germany, with which foreigners have no right to interfere. ***I regret nothing. If now I stood at the beginning of my career I would act again as I did act, even if I knew that what awaited me was the stake at which I was to be burnt alive. Whatever men may do to me, the day will come when I will stand before the judgment seat of the Eternal: to Him I will give an account of my actions, and I know that He will pronounce me innocent."